

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference NMK04P133	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/JP2004/009637	International filing date ( <i>day/month/year</i> ) 07 July 2004 (07.07.2004)	Priority date ( <i>day/month/year</i> ) 18 July 2003 (18.07.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant NEMOTO KYORINDO CO., LTD.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input checked="" type="checkbox"/> | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input checked="" type="checkbox"/> | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 22 May 2006 (22.05.2006)
Facsimile No. +41 22 740 14 35	Authorized officer <div style="text-align: center; font-weight: bold; margin-top: 10px;">Yoshiko Kuwahara</div> Telephone No. +41 22 338 90 90

# PATENT COOPERATION TREATY

TRANSLATION

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

**NMK04P133**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/JP2004/009637**

International filing date (day/month/year)

**07.07.2004**

Priority date (day/month/year)

**18.07.2003**

International Patent Classification (IPC) or both national classification and IPC

Applicant

**NEMOTO KYORINDO CO., LTD.**

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input checked="" type="checkbox"/> | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input checked="" type="checkbox"/> | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 30

because:

☒ the said international application, or the said claims Nos. 30  
relate to the following subject matter which does not require an international preliminary examination (specify):

The subject matter of claim 30 relates to a method for treatment of the human body by therapy, which does not require an examination by this International Examining Authority in accordance with PCT Article 34(4)(a)(i) and PCT Rule 67.1(iv).

☐ the description, claims or drawings (indicate particular elements below) or said claims Nos. \_\_\_\_\_  
are so unclear that no meaningful opinion could be formed (specify):

☐ the claims, or said claims Nos. \_\_\_\_\_ are so inadequately supported  
by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 30

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

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PCT/JP2004/009637

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☐ paid additional fees
- ☐ paid additional fees under protest
- ☒ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with
- ☒ not complied with for the following reasons:

The "medicine infuser" described in claim 1 is either described in the following documents or is obvious from the descriptions of those documents.

As a result, the invention of claim 1 does not possess novelty or involve an inventive step, and since it falls within the range of prior art, claim 1 does not include any special technical feature in the sense of PCT Rule 13.2(2).

Thus, there is no common matter shared by claim 1 and claims 2-29, 31 and 32.

Since there is also no other common matter which can be called a special technical feature in the sense of PCT Rule 13.2(2), no technical relationship in the sense of PCT Rules 13 can be found among these differing inventions.

Thus, claims 1-29, 31 and 32 obviously do not comply with the requirement of unity of invention.

Meanwhile, claim 2 relates to a "medicine infuser" having a "capacity computing means," wherein "said image-generating means data-generates said condition image comprising said infusion capacity with text data added thereto".

Claims 3 and 4 relate to a "medicine infuser" wherein condition input and control are performed depending on the "infusion capacity" and "infusion speed".

Claim 5 relates to a "medicine infuser" wherein "said condition input means accepts input regarding more than one of said infusion conditions for one of said infusion means".

Claim 6 relates to a "medicine infuser" "having more than one of said infusion means, wherein said condition input means accepts input regarding at least one of said infusion conditions for each of more than one of said medicines".

Claim 7 relates to a "medicine infuser" "having more than one of said infusion means, wherein said image generating means data-generates said condition images in different colors for each of more than one of said medicines".

Claim 8 relates to a "medicine infuser" wherein "said condition input means also accepts input regarding the up and down movement and the left and right movement of the left and right ends of said condition image which is displayed by said image display means.

4. Consequently, this opinion has been established in respect of the following parts of the international application:

- ☐ all parts
- ☒ the parts relating to claims Nos. 1, 2

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>2</u>	YES
	Claims	<u>1</u>	NO
Inventive step (IS)	Claims		YES
	Claims	<u>1, 2</u>	NO
Industrial applicability (IA)	Claims	<u>1, 2</u>	YES
	Claims		NO

2. Citations and explanations:

Claims 1, 2

Document 1: JP 1-265973 A (Baxter International Inc.), 24 October 1989

Claim 3 of the claims describes "the system according to Claim 1, provided with a means for displaying one or more fluid flow schedules". See also Figures 11B and 11C.

Document 2: JP 62-34571 A (Baxter Travenol Laboratories, Inc.), 14 February 1987

Claim 1 of the claims describes "in a drip pump, a pump provided with an input device which receives data showing at least two parameters of said cycle, ...a calculating device, and...a control device for controlling the drip proportions of said pump according to said tapered drip outline". See also Figures 2-5.

Document 3: JP 55-158054 A (Siemens AG), 09 December 1980

On page 25, line 13 through page 26, line 4 it is stated that "the program setting device of Figure 6 wherein 63 has pinboard 65 in particular is shown Figure 7. ...is a magnetic card or the like". See also Figures 6 and 7.

Document 4: JP 55-119711 A (Nikkiso Co., Ltd.), 13 September 1980

Claim 1 of the claims describes that "in an infusion pump device wherein a specific infusion pattern is recorded in the memory, this infusion pattern is program controlled and specific infusion data is sent to the pump drive controller, and the pump is driven according to said infusion data...", and on page 29, lines 9-16 that "including a display...allows infusion patterns, times and the like to be displayed, making it much easier to use". See also Figure 5.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box IV

Claims 9-12 relate to a "medicine infuser" provided with a specific "speed memory means" and "warning means".

Claim 13 relates to a "medicine infuser" provided with an "image display means".

Claims 14-17 relate to a "medicine infuser" provided with a "confirmation input means which accepts input regarding confirmations," etc.

Claim 18 relates to a "medicine infuser" provided with a specific "display panel," "cylinder holding mechanism" and "piston drive mechanism".

Claims 19 and 20 relate to a "medicine infuser" provided with a specific "touch panel," etc.

Claim 21 relates to a "medicine infuser" provided with a specific "condition memory means," "image generating means" and "condition input means".

Claim 22 relates to a "medicine infuser" provided with a specific "image memory means," "section display means," "section input means," "site display means," "site input means," "infusion means," "condition input means," "condition memory means" and "infusion control means".

Claims 23 and 24 relate to a "medicine infuser" provided with a specific "condition correction means," etc.

Claims 25 and 26 relate to a "medicine infuser" provided with a specific "body input means" and "condition correction means".

Claims 27 and 28 relate to a "medicine infuser" provided with a specific "infusion means," etc.

Claim 29 relates to a "fluoroscopic system".

Claims 31 and 32 relate to a "computer program for a medicine infuser" or a "data recording medium contained in a computer program".

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INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/009637

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

Document 5: JP 2003-505211 A (Medrad, Inc.), 12 February 2003

Claim 4 of the claims describes "the device according to claim 1, wherein each of multiple phases is defined in terms of at least two infusion parameters selected from the fluid flow volume, fluid area and infusion duration time".

The invention of claim 1 is either described in document 1, 2, 3 or 4 or is obvious from the descriptions of these documents.

Moreover, document 5 describes an invention using fluid volume as an infusion parameter, and it would be easy to achieve the invention of claim 2 by adopting this to a parameter to be data generated by the image generating means.



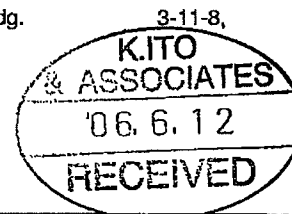
From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

ITO, Katsuhiro  
4F, Nichito-Hacchobori Bldg.  
Hacchobori, Chuou-ku  
Tokyo 104-0032  
JAPON



Date of mailing (day/month/year) 01 June 2006 (01.06.2006)	
Applicant's or agent's file reference NMK04P133	IMPORTANT NOTIFICATION
International application No. PCT/JP2004/009637	International filing date (day/month/year) 07 July 2004 (07.07.2004)
Applicant NEMOTO KYORINDO CO., LTD. et al	

## 1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

## 2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Yoshiko Kuwahara
Facsimile No.+41 22 740 14 35	Facsimile No.+41 22 338 90 90